

REMARKS

Applicant acknowledges and thanks the Examiner for the telephone interview conducted on October 20, 2004.

This amendment is responsive to the Office Action mailed July 23, 2004 in connection with the above identified patent application. In that Action, the drawings were objected to for showing features specified in the claims. Claims 1, 11 – 18 and 21 – 31 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and failing to comply with the enablement requirement. Claims 30 and 31 stand rejected under 35 U.S.C. § 112, first paragraph, as reciting new matter. Claims 12 – 17 and 20 – 31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Beppu et al. (U.S. Patent No. 5,008,573). Claims 1, 11 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Maughan et al. (U.S. Patent No. 5,365,388). Claims 1, 11 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi (JP 05-199,721). Claims 12, 15 – 18, 24 and 26 – 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of von der Heide et al. (U.S. Patent No. 4,647,803). Claims 13, 14 and 25 stand rejected Takahashi in view of von der Heide et al. in further view of Norton et al. (GB 2,293,695). Claims 20 – 22 stand rejected von der Heide et al. in view of Komatsu (JP 09-149,602). Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over von der Heide et al. in view of Komatsu.

THE NON-ART REJECTIONS

The Drawings:

Referring to the Office Action once again, the drawings were objected to for showing features specified in the claims. Claims 1, 11 – 18 and 21 – 31 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and failing to comply with the enablement requirement. Claims 30 and 31 stand rejected under 35 U.S.C. § 112, first paragraph, as reciting new matter. Claims 12 – 17 and 20 – 31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The objection to the drawings is herein traversed. The claims have been

the base plate without connection to the housing and other language determined by the Examiner to be unsupported. Accordingly, it is respectfully submitted that the drawings are in proper form and show every feature of the invention specified in the claims.

The Claims:

Regarding the 35 U.S.C. § 112, first paragraph, rejections of claims 1, 11 – 18 and 20 – 31 for failing to comply with the written description requirement and the enablement requirement, the amendments to the claims remove the language of the stator being solely or exclusively connected to the base plate without any connection to the housing. Applicant respectfully submits that claims 1, 11 – 18 and 20 – 31 comply with the written description and enablement requirements and are in proper condition for allowance. Furthermore, claims 30 and 31 have been amended to incorporate language that is supported in the specification and now comply with the written description and enablement requirements such that no new matter is introduced. Therefore, it is respectfully submitted that claims 30 and 31 are in proper condition for allowance.

The rejections of 35 U.S.C. § 112, second paragraph, are respectfully traversed. The language of claims 12 – 17 and 20 – 31 has been amended to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of the stator being solely or exclusively supported by the base plate with no connection to the housing has been removed. Also, the language "a substantial portion" and "substantially all" has been amended to more particularly point out and distinctly claim the matter of the present invention. Claims 12 – 17 and 20 – 31 are now in proper form and in condition for allowance.

THE ART REJECTIONS

Independent claim 1 recites an electromotive drive comprising a housing, a stator, and a base plate. The housing has a shaft support in which a shaft of a rotor is rotationally mounted. The stator has drive windings and is traversed and retained by the shaft support. The stator is substantially retained in only transversal direction by the shaft support. The base plate supports the stator relative to the housing. The base plate is fastened to the housing and formed as an extrusion-coated punched-out grid whereby high frequency vibrations of transmitted torque are dampened by the punched-out grid.

Applicant respectfully submits that none of the art cited by the Examiner teaches or fairly suggests an electromotive drive including a housing, a stator, and a base plate, the base plate supporting the stator relative to the housing, the base plate being fastened to the housing whereby high frequency vibrations of transmitted torque are dampened by the punched-out grid forming the base plate. The base plate 19 has an inherent flexibility which provides dampening qualities that are particularly evident when the base plate 19 is not rigidly connected over its entire area with the housing 3 but, rather, is connected only in certain selected area or spots such as by screws. The applicants respectfully submit that none of the cited references teach or fairly suggest the electromotive drive of the present application and that independent claim 1 distinguishes over the cited references and is in proper condition for allowance.

The rejection of independent claim 11 is hereby traversed. Claim 11 discloses an electromotive drive comprising a housing, a base plate, a stator, a shaft, and a rotor attached to the shaft and surrounding the stator. The base plate is rigidly attached to the housing at only selected areas of the base plate less than an entire area of the base plate. In addition, the stator surrounds the shaft support and is attached to the base plate whereby nearly all torque transmission occurs from the stator to the housing essentially through the base plate.

As pointed out above, none of the cited references teach or fairly suggest an electromotive drive having a base plate formed as a punched-out grid. The base plate is attached to the bottom of the housing wherein nearly all torque transmission from the stator to the housing is essentially via the base plate. Also, high frequency vibrations of torque transmission are suppressed by the punched-out grid. For at least these reasons independent claim 11 and claims 12 – 23 which depend therefrom distinguish over the cited art and are in condition for allowance.

Independent claim 24 recites an electromotive drive comprising a housing, a shaft support extending from the housing, a base plate attached to the housing at selected areas of the base plate, the base plate including an extrusion-coated punched-out grid, a stator spaced apart from the shaft support and being attached to the housing whereby a torque moment is transmitted from said stator to said housing through the base plate whereby high frequency torque variations are dampened by dampening properties of the punched-out grid forming the base plate, a shaft rotatably disposed within the shaft support, a rotor attached with the shaft, and a resilient member disposed between the stator and the shaft support.

Independent claim 28 recites a pump motor operative in conjunction with a pump for a hydraulic system of a motor vehicle. The recited pump motor comprises a housing including an elongate shaft support, a stator surrounding the shaft support, a base plate providing a route of torque transmission between the stator and the housing and providing dampening between the stator and the housing, the base plate including an extrusion-coated punched-out grid and not connected to said housing over said base plate's entire area but rather connected to the housing in only selected areas, a shaft rotatable within the shaft support, a rotor attached with the shaft, and a flexible coupling disposed between the stator and the shaft support.

None of the art cited by the Examiner teaches or suggests a base plate of the type recited in claim 24 or arranged connecting a stator with a housing in the manner set forth in claim 24. More specifically, none of the cited references disclose the base plate of present application. Therefore, the Applicants respectfully submit that independent claim 24 and claims 25 – 27 which depend therefrom are distinguished and in condition for allowance.

Regarding independent claim 28, for at least the reasons stated above concerning independent claims 1, 11 and 24, it is respectfully submitted the claims 28 -- 31 distinguish over the cited references and are in condition for allowance.

For at least the above reasons, applicants respectfully submit that each of independent claims 1, 11, 24, and 28 are patentably distinct over the art of record. Independent claims 1, 11, 24, and 28 and their respective dependent claims are therefore allowable over the art of record. Allowance of all pending claims and early notice to that effect is respectfully requested.


CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1 and 11 - 24) are now in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

October 26, 2004
Date


Michael E. Hudzinski
Reg. No. 34,185
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582


Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
☒ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date
October 26, 2004

NATRWZ2002G9Yr0000079V001.doc

Signature

Printed Name
Barbara Brazier